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8 CENTER FOR ENVIRONMENTAL
9 HEALTH, et al.,

10 Plaintiff,

11 v.

12 GINA McCARTHY, et al.,

13 Defendants.

14 Case No. 3:15-cv-02939-LB

15 **ORDER DENYING WITHOUT
16 PREJUDICE THE PLAINTIFFS'
17 ADMINISTRATIVE MOTION**

18 [Re: ECF. Nos. 3, 9]

19 On June 24, 2015, the Center for Environmental Health, Beyond Pesticides, Physicians for
20 Social Responsibility sued the United States Environmental Protection Agency and its
21 Administrator, Gina McCarthy. (Complaint, ECF No. 1.) The action was assigned to the
22 undersigned. That same day, the plaintiffs filed an administrative motion asking the undersigned
23 to consider whether the action is related to an earlier-filed action that is now closed and which was
24 presided over by Judge Orrick. (Administrative Motion, ECF No. 3.) In that earlier-filed action,
the Center for Environmental Health, Beyond Pesticides, Physicians for Social Responsibility sued
Ms. McCarthy only. *See Ctr. for Env. Health v. McCarthy*, No. 3:14-cv-01013-WHO.

25 Northern District of California Civil Local Rule 3-12(b) states that “[w]henever a party knows
26 or learns that an action, filed in or removed to this district is (or the party believes that the action
27 may be) related to an action which is or was pending in this District as defined in Civil L.R. 3-
12(a), the party must promptly file in the lowest-numbered case an Administrative Motion to
28 ORDER (No. 3:15-cv-02939-LB)

1 Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11.” (Emphasis added.) This
2 means that the plaintiffs in this action should not have filed their administrative motion in this
3 action; they should have filed it in earlier-filed action before Judge Orrick. The rule makes clear
4 that it does not matter that the action before Judge Orrick is no longer pending. The plaintiffs still
5 must file their motion in that action. This makes sense because it is Judge Orrick, and not the
6 undersigned, who has to decide whether to relate this action to the earlier-filed one.

7 Accordingly, the court denies without prejudice the plaintiffs’ administrative motion. The
8 court directs them to file it in the earlier-filed action before Judge Orrick.

9 **IT IS SO ORDERED.**

10 Dated: July 13, 2015



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12 LAUREL BEELER
United States Magistrate Judge